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PTO/SB/05 (03-01)

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No. 4821-524-999 Total Pages 47 First Named Inventor or Application Identifier John McCULLOUGH et al. Express Mail Label No.	
APPLICATION ELEMENTS <i>See MPEP chapters 600 concerning utility patent application contents.</i>		Commissioner for Patents P.O. Box 1450 Mail Stop PATENT APPLICATION Alexandria, VA 22313-1450 Address to:	
1. <input checked="" type="checkbox"/> Fee Transmittal Form [Total Pages: 4] <i>(Submit an original, and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27 3. <input checked="" type="checkbox"/> Specification [Total Pages 36] <i>(preferred arrangement set forth below, MPEP 1503.01)</i> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R&D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description of the Invention (including drawings, if filed) - Claim(s) - Abstract of the Disclosure Drawing(s) (35 USC 113) [Total Sheets] 4. <input type="checkbox"/> 5. <input checked="" type="checkbox"/> Oath or Declaration [Total Sheets 2] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statement verifying identity of above copies ACCOMPANYING APPLICATION PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment [Total Pages: 5] 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent 17. <input type="checkbox"/> Other:	
18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <input checked="" type="checkbox"/> Divisional of prior U.S. Patent Application No. 09/809,165, filed March 16, 2002, now allowed, which is a continuation of U.S. Application No. 09/573,423, filed on May 18, 2000, now U.S. Patent No. 6,242,465, which is a continuation of U.S. Application No. 09/123,892, filed on July 28, 1998, now U.S. Patent No. 6,147,093, which is a continuation-in-part of U.S. Application No. 08/905,941, filed August 5, 1997, now U.S. Patent No. 5,877,188, which is a division of U.S. Application No. 08/684,753, filed July 19, 1996, now U.S. Patent No. 5,739,151. Prior application information: Examiner: M. Bahar Group Art Unit: 1617			
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.			
19. CORRESPONDENCE ADDRESS			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner M. Bahar
 Art Unit 1617

Commissioner for Patents
 PATENT APPLICATION
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending U.S. Patent Application No. 09/809,165, filed March 16, 2002, now allowed, which is a continuation of U.S. Application No. 09/573,423, filed on May 18, 2000, now U.S. Patent No. 6,242,465, which is a continuation of U.S. Application No. 09/123,892, filed on July 28, 1998, now U.S. Patent No. 6,147,093, which is a continuation-in-part of U.S. Application No. 08/905,941, filed August 5, 1997, now U.S. Patent No. 5,877,188, which is a division of U.S. Application No. 08/684,753, filed July 19, 1996, now U.S. Patent No. 5,739,151

of John MCCULLOUGH ; and Thomas P. JERUSSI
 (inventor(s) currently of record in prior application)

for ANTIEMETIC COMPOSITIONS OF OPTICALLY PURE (+) NORCISAPRDE
 (title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	10	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$84.00 each	\$ 0.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee					
If Applicable (\$280.00)					\$ 0.00
Total					\$ 750.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					
					\$ 0.00
Total Filing Fee					\$ 750.00

2. ☒ Please enter the Preliminary Amendment submitted herewith before calculating the fees due.
3. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Sepracor Inc., Marlborough, MA.
- 7a. ☒ A copy of the Declaration and Power of Attorney filed in the prior application no. 09/123,892, filed July 28, 1998 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Copy of parent application is enclosed.

Date: September 3, 2003

Respectfully submitted,



Dean L. Fanelli

48,907

(Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)
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